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ORIGINALLY FILED

CALFEE, HALTER & GRISWOLD
Docket No. 12873/04169

**DECLARATION
AND POWER OF ATTORNEY
ORIGINAL APPLICATION**

As below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CARBON DIOXIDE-BASED BI-LEVEL CPAP CONTROL

the specification of which

- [] is attached hereto,
[X] was filed on September 27, 2001 as Application Serial No. 09/967,274.
[] and was amended on _____.
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby appoint the following attorney(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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I hereby declare that all statements made hereon of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole inventor: **Joseph B. Richey, II**

Inventor's
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